

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

IN RE: ETHICON, INC.,
PELVIC REPAIR SYSTEMS
PRODUCT LIABILITY LITIGATION MDL No. 2327

Plaintiffs' Motion to Transfer

The Plaintiffs listed in Exhibit "A" are represented by Kline & Specter, P.C. For the reasons set forth below and in the attached Memorandum of Law, Plaintiffs respectfully request that this Court transfer their cases to the United States District Court for Eastern District of Pennsylvania (hereinafter "E.D. Pa.").

In support of transfer, Plaintiffs aver the following:

1. Each of the moving plaintiffs has been implanted with an Ethicon pelvic mesh product and has been injured.
2. Each Plaintiff sued Ethicon for manufacturing, selling, marketing, and distributing pelvic mesh products which were defective.
3. Each of the cases listed in Exhibit "A" were either transferred in to MDL 2327 by Conditional Transfer Order from the E.D.Pa., or were filed directly in to the MDL. In each Short Form Complaint, Plaintiffs have indicated that venue is proper in the E.D.Pa. absent direct filing.
4. Generic fact discovery has been substantially completed, but these cases are not listed for trial.
5. Due to the volume of cases in this MDL, and their pace of resolution, it is not likely that Plaintiffs' cases will be timely tried and Plaintiffs will thus be denied a reasonably prompt adjudication of their claims.

6. Pursuant to Pretrial Order #12, Plaintiffs thus respectfully request that this court transfer these proceedings, pursuant to 28 U.S.C. § 1404(a), to the E.D.Pa.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court grant this motion and transfer all cases listed in Exhibit "A" to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

By: 

Thomas R. Kline, Esquire
Shanin Specter, Esquire
Lee B. Balefsky, Esquire
Michelle L. Tiger, Esquire
1525 Locust Street, 19th Floor
Philadelphia, PA 19102
(215) 772-1000

Counsel for Plaintiffs

Dated: June 17, 2015